

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Jon Michael Ask,

Defendant.

Criminal No. 24-025 (ECT/TNL)

ARRAIGNMENT ORDER

A hearing was held before United States Magistrate Judge John F. Docherty on February 12, 2024. Defendant was present in court with his attorney, James Becker, Esq. The government was represented by Raphael Coburn, Assistant United States Attorney.

Defendant identified himself by name and birth date; waived the reading of the indictment; and entered a plea of not guilty.

Pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED
that:

1. The government must make all disclosures required by Federal Rule of Criminal Procedure 16(a) by **February 20, 2024**. D. Minn. LR 12.1(a)(1). In order to avoid the need for a recess of the motions hearing, the government is requested to make, by **February 20, 2024**, all disclosures which will be required by Fed. R. Crim. P. 26.2 and 12(h).

2. Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence- that is, evidence that favors the defendant or casts doubt on the United States' case, as required by *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny, and orders the United States to do so. Failure to do so in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

3. Defendant must make all disclosures required by Federal Rule of Criminal Procedure 16(b) by **February 27, 2024**. D. Minn. LR 12.1(a)(2).

4. The parties must disclose the identity of any expert witness and make all expert disclosures required by Federal Rule of Criminal Procedure 16 no later than 28 days before trial. The parties must disclose the identity of any expert who will testify in rebuttal of an expert witness and make all disclosures as to such expert required by Federal Rule of Criminal Procedure 16 no later than 14 days before trial.

5. All motions in the above-entitled case must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **March 5, 2024**.¹ D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses must be delivered directly to the chambers of Magistrate Judge Leung.²

¹ "Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute." D. Minn. LR 12.1(b).

² U.S. Mail or hand-deliver to 300 South Fourth Street, Suite 9W, Minneapolis, MN 55415.

6. **Counsel must electronically file a letter on or before March 5, 2024 if no motions will be filed and there is no need for hearing.**

7. All responses to motions must be filed by **March 19, 2024**. D. Minn. LR 12.1(c)(2).

8. Any Notice of Intent to Call Witnesses must be filed by **March 19, 2024**. D. Minn. LR. 12.1(c)(3)(A).

9. Any Responsive Notice of Intent to Call Witnesses must be filed by **March 22, 2024**. D. Minn. LR 12.1(c)(3)(B).

10. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

11. If required, the motions hearing must be heard before Magistrate Judge Tony N. Leung on **March 29, 2024**, at **9:00 a.m.**, in **Courtroom 9W**, U.S. Courthouse, 300 South Fourth Street, MINNEAPOLIS, Minnesota. D. Minn. LR 12.1(d).

12. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT:**
the following trial and trial-related dates are:

Counsel should submit two hard copies of trial briefs, voir dire, proposed jury instructions, exhibit and witness lists, and trial-related motions (including motions in

limine) to District Judge Eric C. Tostrud's chambers on or before **April 8, 2024**. In addition, counsel should email the proposed jury instructions and exhibit and witness lists to: tostrud_chambers@mnd.uscourts.gov

Judge Tostrud will hold a final pretrial on **April 19, 2024 at 9:00 a.m.** in Courtroom 7D, U.S. Courthouse, 316 North Robert Street, St. Paul, Minnesota.

This case must commence trial on **April 22, 2024, at 1:00 p.m.** before District Judge Tostrud in Courtroom 7D, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **SAINT PAUL**, Minnesota.

b. IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for District Judge Tostrud to confirm the new trial date.

Dated: February 13, 2024

s/Tony N. Leung

TONY N. LEUNG

United States Magistrate Judge